

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/798,286
Applicant : Kenneth E. Davis et al.
Filed : March 12, 2004
Art Unit : 3744
Examiner : Gene Louis Bankhead
Docket No. : DA V001-082 (IP-889-2003)

DECLARATION TO DISQUALIFY UNDER 37 C.F.R. §1.130

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

1. This declaration is to establish that the above-identified application for VARIABLE SPEED REFRIGERATION SYSTEM and TEMPERATURE CONTROL SYSTEM FOR A REFRIGERATED COMPARTMENT, U.S. Patent No. 6,772,601, which was cited by the Examiner as a 35 U.S.C. 103(a) reference, were, at the time the invention of this application was made, owned by the same entity or subjected to an obligation of assignment to the same entity, Maytag Corporation.
2. The person making this declaration is an attorney of record.

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Reply to Final Office Action dated April 4, 2007

FACTS AND DOCUMENTARY EVIDENCE

3. To establish that the above-identified patent application and the cited patent, Davis et al, were, at the time the invention of this application was made, owned by the same entity or subjected to an obligation of assignment to the same entity, the following attached documents are submitted:
 - i. Copy of the Assignment of the above-identified patent application recorded with the U.S. Patent Office Assignment Division on June 10, 2004 on reel/frame no. 015453/0512.
4. The above-identified patent application was assigned to Maytag Corporation and is recorded on reel/frame no. 015453/0512.
5. Assignment of the patent reference Davis to Maytag Corporation recorded with the U.S. Patent Office Assignment Division on August 29, 2003 is recorded on reel/frame no. 014449/0101.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful and false statements may

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jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

Dated on this 23RD day of July, 2007.

/TARA M. HARTMAN/
TARA M. HARTMAN Registration No. 58,805
Telephone: (269) 923-8081

WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive – Ste. 102 MD750
St. Joseph, Michigan 49085

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	<input checked="" type="checkbox"/> transmitted by via EFS web filing System
	<u>/Deborah A. Tomaszewski/</u> Signature
Date: <u>July 23, 2007</u>	<u>Deborah A. Tomaszewski</u> (type or print name of person certifying)

ASSIGNMENT

WHEREAS, I (we), Kenneth E. Davis, Alvin A. Miller, Joseph H. Ryner, Kyle B. VanMeter and Robert L. Wetekamp whose post office address(es) appear(s) below, hereinafter referred to as ASSIGNOR, (is (are) the owner of certain new and useful improvements in VARIABLE SPEED REFRIGERATOR SYSTEM (hereinafter referred to as the INVENTION) for which an application for United States Letters Patent was

- ☐ executed on even date herewith
☐ executed on:
☒ filed on: March 12, 2004 Serial No. 10/798,286
☐ established by PCT International Patent Application No.: Filed:

WHEREAS, MAYTAG CORPORATION

Whose post office address is 403 West Fourth Street North, Newton, Iowa 50208 Hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we), ASSIGNOR, do sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said INVENTION and application throughout the United States of America, including any and all United States Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application; and the entire right, title and interest in and to the said INVENTION throughout the world, including the right to apply for patents and inventor certificates in respect thereof and to claim priority pursuant to rights accorded ASSIGNOR under the terms of the Paris International Convention and all other available international conventions and treaties; and the entire right, title and interest in and to any and all patents, patents of addition, utility models, patents of importation, revalidation patents and inventor certificates which may be granted throughout the world in respect of said INVENTION.

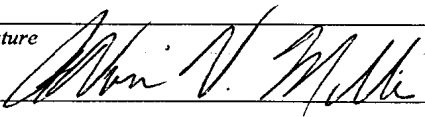
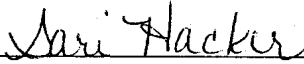

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) or inventor certificate(s) in the United States and in foreign countries for said INVENTION, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said INVENTION, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE'S request documents and information concerning the INVENTION that are within ASSIGNOR'S possession or control and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

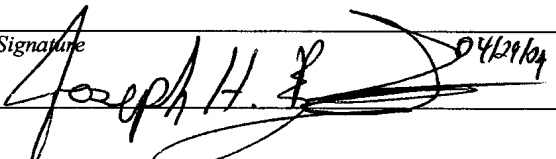
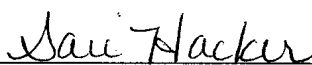

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this agreement and sale not been made.


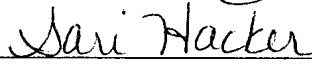

ASSIGNOR authorizes any member of DIEDERIKS & WHITELAW, PLC to insert or complete any information in this document needed to effect its recordal in the U.S. Patent and Trademark Office.

Assignor Name Kenneth E. Davis	Address 6506 West 34th Street Berwyn, IL 60402
Where Signed Berwyn	
Date 4 May 4	Signature Kenneth E. Davis
(Notarization preferred but not required)	
SS.	
Before me personally appeared <u>KENNETH E. DAVIS</u> and acknowledged this instrument to be his (her) free act and deed this	
4TH day of <u>MAY</u> 20 <u>04</u>	<u>Notary Public</u>
DUBRAVKA BAJRAMOVIC Notary Public - State of Illinois My Commission Expires Feb 19, 2007	My commission expires <u>2/19/07</u>

UTILITY -WORLD-NOTARIZATION
Atty Docket:DAV001-082

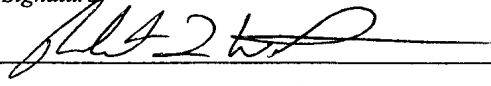

Assignor Name Alvin V. Miller	Address 1569 Conestoga Trail, NE Swisher, IA 52338
Where Signed Amana, IA	
Date 4-23-04	Signature 
Iowa Iowa ss.	(Notarization preferred but not required)
Before me personally appeared <u>Alvin V. Miller</u> and acknowledged this instrument to be <u>his</u> (her) free act and deed this	
23 rd day of April, 2004	 Notary Public
	My commission expires 5-21-05

Assignor Name Joseph H. Ryner	Address 1117 Franklin Street New Windsor, IL 61465
Where Signed Amana, IA	
Date 4-29-04	Signature 
Iowa Iowa ss.	(Notarization preferred but not required)
Before me personally appeared <u>Joseph H. Ryner</u> and acknowledged this instrument to be <u>his</u> (her) free act and deed this	
29 th day of April, 2004	 Notary Public
	My commission expires 5-21-05

Assignor Name Kyle B. VanMeter	Address 685 Avalon Place Coralville, IA 52241
Where Signed Amana, IA	
Date 4-23-2004	Signature 
Iowa Iowa ss.	(Notarization preferred but not required)
Before me personally appeared <u>Kyle B. VanMeter</u> and acknowledged this instrument to be <u>his</u> (her) free act and deed this	
23 rd day of April, 2004	 Notary Public
	My commission expires 5-21-05

See following page(s) for additional joint assignees

UTILITY - WORLD-NOTARIZATION
Atty Docket: DAV001-082

Assignor Name Robert L. Wetekamp	Address 201 Bever Lane, SE Cedar Rapids, IA 52403
Where Signed Amara, IA	
Date 4-23-04	Signature 
<p>Iowa Iowa ss.</p> <p>Before me personally appeared <u>Robert L. Wetekamp</u> and acknowledged this instrument to be his (her) free act and deed this</p> <p><u>23rd</u> day of <u>April</u>, 20<u>04</u>.</p> <div data-bbox="435 688 824 802"></div> <p><u>Sari Hacker</u> Notary Public</p> <p>My commission expires <u>5-21-05</u></p>	

Assignor Name	Address
Where Signed	
Date	Signature
<p>(Notarization preferred but not required)</p> <p>ss.</p> <p>Before me personally appeared _____ and acknowledged this instrument to be his (her) free act and deed this</p> <p>_____ day of _____, 20____.</p> <p>_____ Notary Public</p> <p>My commission expires _____</p>	

Assignor Name	Address
Where Signed	
Date	Signature
<p>(Notarization preferred but not required)</p> <p>ss.</p> <p>Before me personally appeared _____ and acknowledged this instrument to be his (her) free act and deed this</p> <p>_____ day of _____, 20____.</p> <p>_____ Notary Public</p> <p>My commission expires _____</p>	